

BARRY E. HINKLE, Bar No. 071223
 KRISTINA L. HILLMAN, Bar No. 208599
 CONCEPCIÓN E. LOZANO-BATISTA, Bar No. 227227
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES of the	)	No. C 08 01067 CW
CARPENTERS HEALTH AND WELFARE)	
TRUST FUND FOR CALIFORNIA;)	
CARPENTERS VACATION-HOLIDAY TRUST)	
FUND FOR NORTHERN CALIFORNIA;)	
CARPENTERS PENSION TRUST FUND FOR	)	PROPOSED ORDER FOR
NORTHERN CALIFORNIA; CARPENTERS	)	APPEARANCE AND EXAMINATION
ANNUITY TRUST FUND FOR NORTHERN	)	OF DEBTOR ASSETS
CALIFORNIA; and CARPENTERS TRAINING)	
TRUST FUND FOR NORTHERN)	
CALIFORNIA, and CARPENTERS 46)	
NORTHERN CALIFORNIA COUNTIES)	
CONFERENCE BOARD for itself and on behalf)	
of NORTHERN CALIFORNIA CARPENTERS)	
REGIONAL COUNCIL and CARPENTERS)	
UNION LOCAL NO. 22)	
)	
Plaintiffs,)	
)	
v.)	
)	
SAUL M. CRUZ, Individually; SAUL M. CRUZ,)	
Individually and doing business as SMC)	
MODULAR INSTALLATION; MAGDALENA)	
L. CRUZ, Individually; MAGDALENA L.)	
CRUZ, Individually and doing business as SMC)	
MODULAR INSTALLATION; SMC)	
MODULAR INSTALLATION; Does 1 through)	
10, inclusive)	
)	
Defendants.)	

PROPOSED ORDER FOR APPEARANCE AND EXAMINATION OF DEBTOR ASSETS

TO: Defendants SAUL M. CRUZ, Individually; SAUL M. CRUZ, Individually and doing business as SMC MODULAR INSTALLATION; MAGDALENA L. CRUZ, Individually; MAGDALENA L. CRUZ, Individually and doing business as SMC MODULAR INSTALLATION; SMC MODULAR INSTALLATION:

YOU ARE HEREBY ORDERED TO APPEAR personally before this Court, or before a referee appointed by the Court, on **October 30, 2009, at 9:00 a.m. in Courtroom B, 15th Floor,** located at **450 Golden Gate Avenue, San Francisco, California,** to furnish information to aid in enforcement of the judgment entered against you on August 13, 2008 and to answer questions concerning property in your possession or control as stated in Plaintiffs' Application for Order to Appear for Debtor Examination, attached hereto as Exhibit "A".

Dated: September 17, 2009



118076/544240

PROOF OF SERVICE

I am a citizen of the United States, and a resident of the State of California. I am over the age of eighteen years, and not a party to the within action. My business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On September 16, 2009, I served upon the following parties in this action:

SMC Modular Installation
77 Anderson Street
San Francisco, CA 94110

Magdalena L. Cruz, Individually and
doing business as SMC Modular
Installation
77 Anderson Street
San Francisco, CA 94110

Magdalena L. Cruz, Individually
77 Anderson Street
San Francisco, CA 94110

Saul M. Cruz, Individually and doing
business as SMC Modular Installation
77 Anderson Street
San Francisco, CA 94110

Saul M. Cruz, Individually
77 Anderson Street
San Francisco, CA 94110

[PROPOSED] ORDER FOR APPEARANCE AND EXAMINATION OF DEBTOR ASSETS

[X] **BY MAIL** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

I certify that the above is true and correct. Executed at Alameda, California, on September 16, 2009.



Karen Scott

118076/536756

BARRY E. HINKLE, Bar No. 071223
 KRISTINA L. HILLMAN, Bar No. 208599
 CONCEPCIÓN E. LOZANO-BATISTA, Bar No. 227227
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES of the	) No. C 08 01067 CW
CARPENTERS HEALTH AND WELFARE)
TRUST FUND FOR CALIFORNIA;)
CARPENTERS VACATION-HOLIDAY TRUST)
FUND FOR NORTHERN CALIFORNIA;)
CARPENTERS PENSION TRUST FUND FOR	) PLAINTIFFS' APPLICATION FOR
NORTHERN CALIFORNIA; CARPENTERS	) ORDER TO APPEAR FOR DEBTOR
ANNUITY TRUST FUND FOR NORTHERN	) EXAMINATION
CALIFORNIA; and CARPENTERS TRAINING)
TRUST FUND FOR NORTHERN	) Date: October 30, 2009
CALIFORNIA, and CARPENTERS 46	) Time: 9:00 a.m.
NORTHERN CALIFORNIA COUNTIES	) Dept.: Courtroom B, 15 th Floor
CONFERENCE BOARD for itself and on behalf)
of NORTHERN CALIFORNIA CARPENTERS	) 450 Golden Gate Avenue
REGIONAL COUNCIL and CARPENTERS	) San Francisco, California
UNION LOCAL NO. 22)

Plaintiffs,

v.

SAUL M. CRUZ, Individually; SAUL M. CRUZ,
 Individually and doing business as SMC
 MODULAR INSTALLATION; MAGDALENA
 L. CRUZ, Individually; MAGDALENA L.
 CRUZ, Individually and doing business as SMC
 MODULAR INSTALLATION; SMC
 MODULAR INSTALLATION; Does 1 through
 10, inclusive

Defendants.

EXHIBIT A

PLAINTIFFS' APPLICATION FOR ORDER TO APPEAR FOR DEBTOR EXAMINATION
 Case No. C 08 01067 CW

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

TO: SAUL M. CRUZ, Individually; SAUL M. CRUZ, Individually and doing business as SMC MODULAR INSTALLATION; MAGDALENA L. CRUZ, Individually; MAGDALENA L. CRUZ, Individually and doing business as SMC MODULAR INSTALLATION; SMC MODULAR INSTALLATION (hereinafter "Defendants"):

1. Plaintiffs THE BOARD OF TRUSTEES of the CARPENTERS HEALTH AND WELFARE TRUST FUND FOR CALIFORNIA; CARPENTERS VACATION-HOLIDAY TRUST FUND FOR NORTHERN CALIFORNIA; CARPENTERS PENSION TRUST FUND FOR NORTHERN CALIFORNIA; CARPENTERS ANNUITY TRUST FUND FOR NORTHERN CALIFORNIA; and CARPENTERS TRAINING TRUST FUND FOR NORTHERN CALIFORNIA, and CARPENTERS 46 NORTHERN CALIFORNIA COUNTIES CONFERENCE BOARD for itself and on behalf of NORTHERN CALIFORNIA CARPENTERS REGIONAL COUNCIL and CARPENTERS UNION LOCAL NO. 22, Judgment creditors, make this application for an order requiring Defendants to aid in the enforcement of the money judgment against them entered on August 13, 2008 in the above-entitled Court.

2. Plaintiffs request that Defendants produce the following records to be examined:

- a. California Quarterly Report of Wages, For DE-6;
- b. Federal Tax Forms W-3 and W-2;
- c. 1096 and 1099 Forms;
- d. Workers Compensation Insurance Reports;
- e. Quarterly Payroll Tax Returns (Form 941);
- f. Check registers and supporting cash vouchers;
- g. General ledger (portion relating to payroll audit);
- h. Payroll Registers/Journals;
- i. Individual Earnings Records;
- j. Cash disbursements ledger;

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1 k. Accounts payable ledger; and

2 l. Vendor invoices.

3 Dated: September 16, 2009

4 WEINBERG, ROGER & ROSENFELD
5 A Professional Corporation

6 By: /s/Concepción E. Lozano-Batista
7 CONCEPCIÓN E. LOZANO-BATISTA

8 118076/536751